



April 25, 2013

Ex Parte Notice

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Connect America Fund, WC Docket No. 10-90; High-Cost Universal Service Support, WC Docket No. 05-337; AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition; Petition of the National Telecommunications Cooperative Association for a Rulemaking to Promote and Sustain the Ongoing TDM-to-IP Evolution, GN Docket No. 12-353; Technology Transitions Policy Task Force, GN Docket No. 13-5; Establishing Just and Reasonable Rates for Local Exchange Carriers, WC Docket No. 07-135; Developing a Unified Intercarrier Compensation Regime, CC Docket No. 01-92; Rural Call Completion, WC Docket No. 13-39*

Dear Ms. Dortch:

On Tuesday, April 23, 2013, the undersigned, on behalf of NTCA–The Rural Broadband Association (“NTCA”), together with Richard Coit of the South Dakota Telecommunications Association, Randy Houdek of Venture Communications, and Denny Law of Golden West Communications met separately with: (1) Angela Kronenberg and Rebekah Goodheart of Commissioner Mignon Clyburn’s office; and (2) Priscilla Delgado Argeris, Legal Advisor to Commissioner Jessica Rosenworcel, to discuss matters in the above-referenced proceedings. We provided the enclosed materials in connection with each discussion.

Standalone Broadband Support – a “Connect America Fund” for all Rural Consumers. We observed that technical fixes and updates to the long-standing “no barriers” policy of the Federal Communications Commission (the “Commission”) are necessary to ensure that consumers in all rural areas can obtain affordable fixed broadband services. The South Dakota companies described their frustration – and the confusion and frustration of their consumers – in being unable to provide affordable standalone broadband service in the absence of each such customer taking legacy local exchange voice service as well. The Commission clearly grasped the need for such an evolution in its *Transformation Order*, indicating that universal service support would no longer be limited to the *sale* of plain-old telephone service, but rather would go toward the *offer* of “voice telephony service.” See *Connect America Fund*, WC Docket No. 10-90, *A National Broadband Plan for Our Future*, GN Docket No. 09-51, *Establishing Just and Reasonable Rates for Local Exchange Carriers*, WC Docket No. 07-135, *High-Cost Universal Service Support*, WC Docket No. 05-337, *Developing an Unified Intercarrier Compensation Regime*, CC Docket No. 01-92, *Federal-State Joint Board on Universal Service*, CC Docket No. 96- 45, *Lifeline and Link-Up*, WC Docket No. 03-109, *Universal Service – Mobility Fund*, WT Docket No. 10-208, Report and Order and FNPRM, 26 FCC Rcd. 17663, 17685 and 17692-93 (2011) (“*Transformation Order*”), at ¶¶ 64, 77-81.

In the wake of the *Transformation Order*, the Commission took steps to begin to implement this policy shift in areas served by *larger carriers* via the Connect America Fund. Unfortunately, this unmistakably clear, forward-looking vision in the text of the Commission's order did not carry through as a mechanical matter to the specific rules that govern distribution of universal service support for *smaller carriers*. This lingering, outdated limitation in the rules harms rural consumers in areas served by those smaller carriers, who unlike their neighbors in rural areas served by price cap-regulated carriers cannot take over-the-top voice service or "cut the cord" without fear of facing increased fixed broadband rates as universal service support for the loop that serves them is lost. The South Dakota companies explained, in fact, that neither of them is able to offer standalone broadband as an affordable product to consumers precisely because of this limitation. The companies also explained that increasing legacy voice rates effectively mandated as a result of local "rate floors" imposed by the *Transformation Order* may only further prompt consumers to seek to migrate to broadband-only services, thereby underscoring the need to resolve soon this technical limitation in the universal service rules.

Indeed, since even the most purportedly innovative over-the-top voice service is entirely dependent upon an underlying broadband connection, and since wireless broadband depends in significant part upon the soonest-possible access to a wireline network (in the form of a Wi-Fi connection or a cell tower with sufficient backhaul), a result that denies universal service support for underlying networks based solely upon consumer preference defies those consumer interests, flies in the face of the *Transformation Order*, and undermines technology evolution. We explained that providing support for loops used to provide standalone broadband services would promote and accelerate the ongoing IP evolution, help to avoid increased carrier reliance on universal service support over time (because more customers can instead remain on the network for the services they want), and finally provide the basis for a Connect America Fund that supports broadband-capable networks that enable advanced communications and enhanced consumer choice in *all* rural areas.

Reporting Requirements. We also discussed the cumulative effect of reporting requirements on small service providers, such as the South Dakota companies. We noted specifically that at a time when rural, rate-of-return local exchange carriers ("RLECs") face significant uncertainty and are being tasked to "do more with less," it is incongruous to adopt and implement numerous new reporting requirements that effectively require companies to redeploy significant employee time toward administrative reporting rather than service delivery. To provide context for the relative burden borne by RLECs, we provided the attached charts showing a sample set of annual telecommunications regulation-related reporting requirements at the federal and state level. We acknowledged the need to ensure reasonable accountability in the use of universal service support, but we urged some rationalization of all of the various reports – especially in a time of tightening budgets and even as yet more reports get ready to come online. For example, we urged the Commission to act quickly and favorably on the Emergency Petition filed by NTCA and other associations with respect to five-year plan obligations. As another example, subject to any pending reconsideration and questions of whether such obligations should be deemed effective for a July 1 deadline this year, we noted that tribal engagement obligations fail to distinguish between those carriers that were successfully delivering reasonably comparable services to *all* of their consumers (tribal or otherwise) as compared to those carriers that may have neglected certain areas or subsets of customers in the past. To promote substantive results over process, we suggest that, if and when these obligations become effective, the Commission should consider exempting small carriers from tribal engagement requirements where they can certify that their tribal customers have already been given reasonably comparable services at reasonably comparable rates during the period in question.

Marlene H. Dortch

April 25, 2013

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Call Completion Concerns. We noted that concerns persist with respect to rural call completion issues and that, if anything, there has been a substantial uptick in the reported frequency and severity of such problems in the wake of recent enforcement action undertaken by the Commission. While we expressed appreciation for the Commission's efforts to examine these issues, we noted that the lengthy time required simply to publish the notice of proposed rulemaking with respect to these issues gave rise to concerns with respect to how quickly further action would be forthcoming. Given the continuing nature of serious, customer-affecting issues in South Dakota and other states (including school alert problems and businesses being unable to receive calls from their would-be customers), we urged the Commission and its Enforcement Bureau to take prompt action to sanction publicly and forcefully other parties failing to route calls properly – thereby sending a message to the market that its recent enforcement action was not a “one-time occurrence” and that such conduct will indeed not be tolerated.

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed via ECFS. If you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

/s/ Michael R. Romano

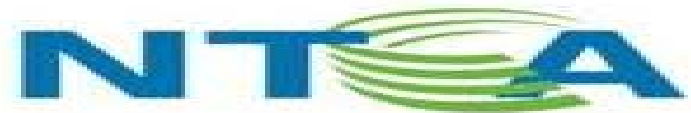
Michael R. Romano

Senior Vice President - Policy

Enclosures

cc: Angela Kronenberg
Rebekah Goodheart
Priscilla Delgado Argeris

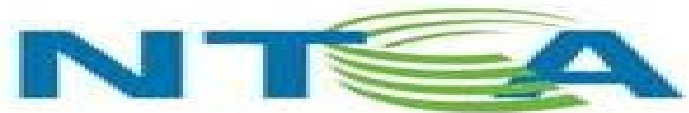
South Dakota Telecommunications Association



South Dakota Telecommunications Association

Who are we?

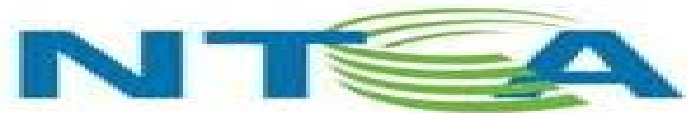
- 21 incumbent landline/broadband/video providers
 - 12 member-owner cooperatives
 - 2 affiliate subsidiaries
 - 3 privately-owned companies
 - 2 family-owned companies
 - 1 corporately-owned
 - 3 municipal companies
 - 1 tribal authority



South Dakota Telecommunications Association

Who are we?

- Mostly serve small towns and rural areas
 - Largest communities we serve are:
 - Brookings (pop. 22,056)
 - Brandon (pop. 8,785)
 - Hot Springs (pop. 3,711)
 - Population density of areas served by SDTA member: approx. 4 people/sq. mile
 - 11 counties have less than 2 people/sq. mile
 - (sources: U.S. Census Bureau and SD Public Utilities Commission)
 - **West River Cooperative, Bison, SD**
 - Service area: 6,209 square miles (28% larger than state of Connecticut)
 - 3,235 access lines
 - .52 lines per square mile



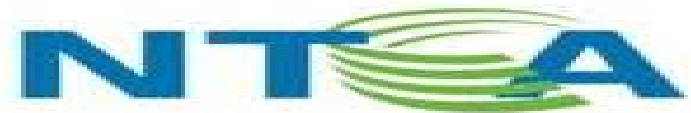
South Dakota Telecommunications Association

Who are we?

- Our members collectively:
 - serve 79.5% of South Dakota (service areas cover more than 61,000 square miles)
 - serve approximately 125,000 access lines
 - own more than 22,000 miles of buried fiber optic line
 - supply broadband service to more than **300 communities** (most with populations of less than 1,000)
 - offer digital video to more than 80 communities
 - provide wireless broadband in select areas



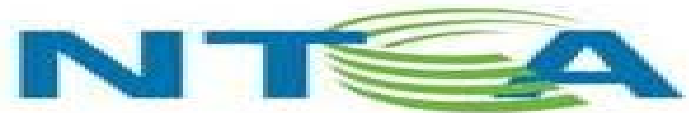
SDN Communications

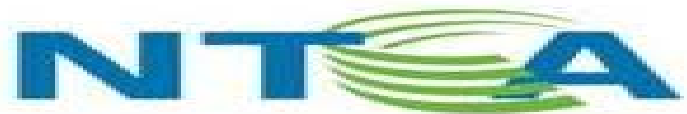
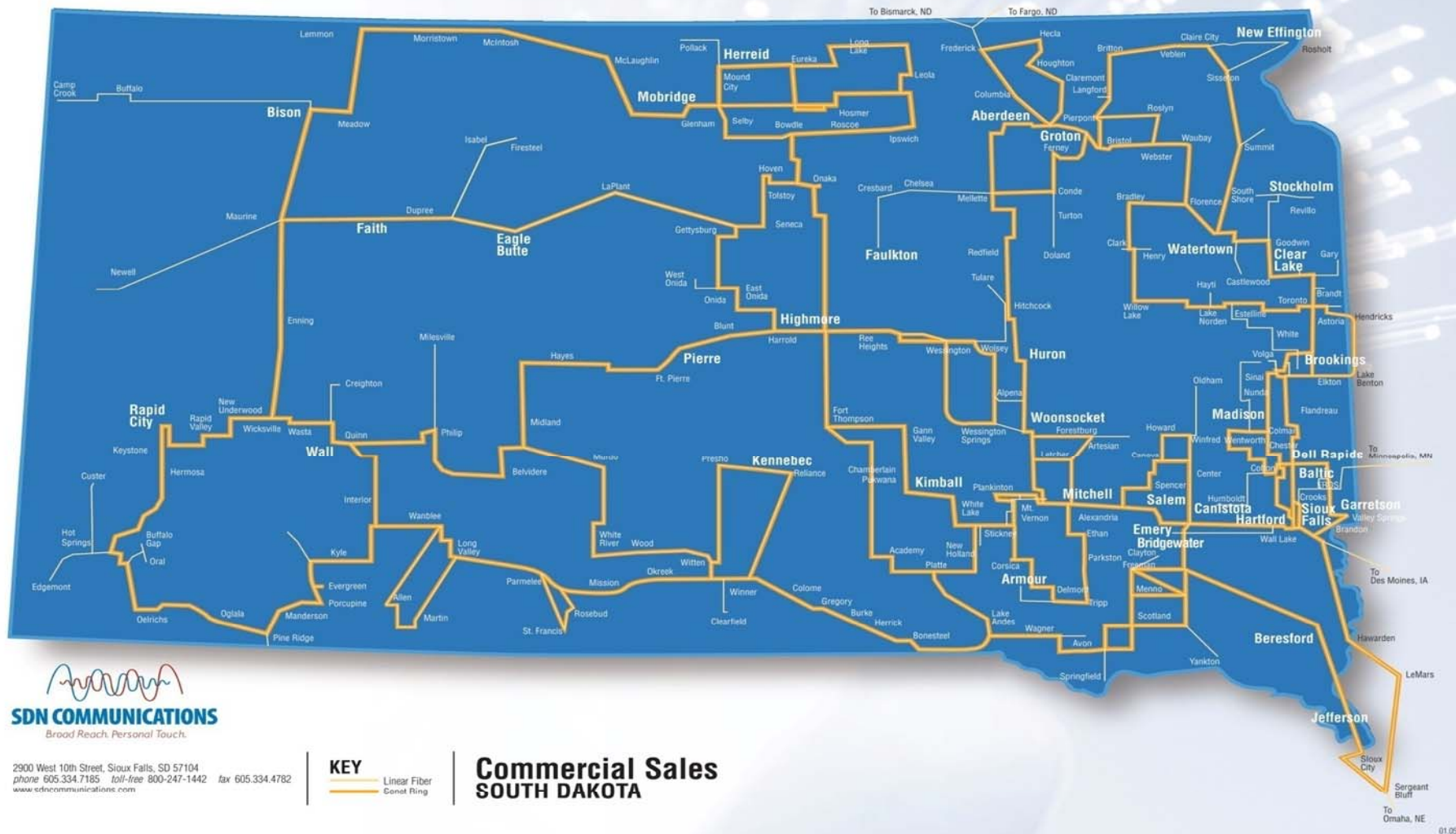


SDN Communications

Who are we?

- Network operations center for South Dakota's fiber optic backbone network
 - 22,000+ miles of fiber
 - Touching 300+ South Dakota communities
 - Connections to other regional and national backbone networks
- Jointly owned by 17 SDTA member companies
 - Collectively, SDN and the member company owners employ more than 1,000 people in South Dakota
 - Collective payroll exceeding \$50 million





**Thank you
for your time!**



Contact Information

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REPORTING CALENDAR

	Due Date	Form No./Report	Distribution and/or Filing Requirements
1	Annual – anytime during the year	Identity Theft Prevention Program (Red Flags) annual report to Board of Directors and senior management	Retain in company's file with the Identity Theft Prevention Program
2	January	Form 497 – Lifeline Worksheet	USAC
3	January 30 (Due date varies)	Company Services Questionnaire	NECA
4	January 31	Form 555-Annual Lifeline Eligible Telecommunications Carrier Certification Form	USAC, FCC, Relevant State Commission, Tribal Government (if applicable)
5	January 31	Quarterly Payphone Report of ANIs and Claim Filing for Dial-Around Compensation	NPC, Billing Concepts, Atlantax Systems
6	February	Form 497 – Lifeline Worksheet	USAC
7	February 1	Form 502 - Numbering Resource Utilization Forecast (NRUF)	NANPA
8	February 1	Form 499Q (Quarterly) 10/1 through 12/31 revenue of previous year	Form 499 c/o USAC, Washington, D.C.
9	February 15	WY USF Annual Report	WY PSC
10	March	Form 497 – Lifeline Worksheet	USAC
11	March	CAF/ICC Filing (Data due to NECA)	NECA
12	March 1	Annual Certification of Customer Proprietary Network Information (CPNI) Compliance	FCC
13	March 15 (Biennial)	NE SOS Foreign Corporation Occupation Tax Report	NE Secretary of State
14	March 1	Semi-Annual FCC Form 477 - Local Competition and Broadband Reporting	FCC – must be filed online at the FCC Form 477 website
15	March 30	Form 508 – Forecasted line counts for NECA's annual tariff filing	USAC via NECA On-line Data Collection Site
16	March 30	Quarterly Form 507 Filing – Line counts by customer class	USAC via NECA On-line Data Collection Site

17	April	Form 497 – Lifeline Worksheet	USAC
18	April 1 to July 1	FCC Form 473 Universal Service for Schools and Libraries Service Provider Annual Certification	USAC
19	April 1	Form 499A (Annual) 1/1 through 12/31 revenue of previous year	Form 499 c/o USAC, Washington, D.C.
20	April 1	Accessibility Recordkeeping Compliance Certification	FCC
21	April 1	SD PUC Gross Receipts Filing	SD Public Utilities Commission
22	April 1	WY Dept of Revenue Property Tax Report	WY Department of Revenue
23	April 15	SD Gross Receipts Tax filing due	SD Department of Revenue
24	April 30	Nebraska Annual Report	(NPSC)
25	April 30	Nebraska 911 Service and Surcharge Report	NE Public Service Commission
26	April 30	Quarterly Payphone Report of ANIs and Claim Filing for Payphone Dial-Around Compensation	NPC, Billing Concepts, Atlantax Systems
27	May	CAF/ICC Certifications due to NECA	NECA
28	May	Form 497 – Lifeline Worksheet	USAC
29	May 1	SD PUC Outage Reporting and Contact Information	SD PUC
30	May 1	WY PSC Annual Report	WY Public Service Commission
31	May 1	Form 499Q (Quarterly) 1/1 through 3/31 revenue of current year	Form 499 c/o USAC, Washington, D.C.
32	May 1	FCC Section 64.1900 – Annual Interexchange (IXC) Certification	FCC
33	May 23 (If submitted by ILEC) or June 28 (If submitted by state commission)	Shapefile Study Area Boundary Submission	FCC
34	May 31	FCC Form 395, Employment Report	FCC
35	June	Form 497 – Lifeline Worksheet	USAC
36	June	File CAF/ICC data and certifications with State Commission	State PSC's

37	June	Rate Floor Filing	NECA State Commissions
38	June 1 – South Dakota,	ETC Certification (Includes Lifeline/Tribal Link Up Outreach Activities Report)	SD PUC, The SDPUC files the certification with the FCC & USAC for the October 1 deadline.
39	June 1 – Nebraska	ETC Certification	NE PSC
40	June 1- Wyoming	ETC Certification	WY PSC
41	June 3	SD PUC Annual Report	SD Public Utilities Commission
42	June 30	Annual ICLS Use Certification	FCC & USAC
43	July	Form 497 – Lifeline Worksheet	USAC
44	July 1	FCC Reporting Requirements – WC Docket 10-90 47 CFR 54.313 Five Year Plan Financial Information Tribal Engagement Report	FCC, USAC, Relevant State Commission, Tribal Government
45	July 31	Toll Cost Studies due in July	NECA
46	July 31	Quarterly Payphone Report of ANIs and Claim Filing for Payphone Dial-Around Compensation	NPC, Billing Concepts, Atlantax Systems
47	July 31	Annual Form 507 Filing – 12/31 Line counts by customer class (Reporting is mandatory since this is the annual filing)	USAC via NECA On-line Data Collection Site
48	August	Form 497 – Lifeline Worksheet	USAC
49	August 1	Semi-Annual Form 502 – Numbering Resource Utilization Forecast (NRUF)	NANPA
50	August 1	Form 499Q (Quarterly)	Form 499 c/o USAC, Washington, D.C.
51	August/September	Regulatory Fees for Fiscal Year (Specific date varies from year to year)	FCC
52	September	Form 497 – Lifeline Worksheet	USAC
53	September 1	Semi-Annual FCC Form 477 - Local Competition and Broadband Reporting	FCC – must be filed online at the FCC Form 477 website

54	September 30	Quarterly Form 507 Filing – Line counts by customer class	USAC via NECA On-line Data Collection Site
55	October	Form 497 – Lifeline Worksheet	USAC
56	October 1	WY SOS Annual Report	Wyoming Secretary of State
57	October 1 - USAC/FCC Due Date (for support in all four qtrs of succeeding year)	State Commission annual certification regarding support for services for which the support is intended.	FCC & USAC
58	October 31	Quarterly Payphone Report of ANIs and Claim Filing for Payphone Dial-Around Compensation	NPC, Billing Concepts, Atlantax Systems
59	November	Form 497 – Lifeline Worksheet	USAC
60	October/November	SD SOS Annual Report	SD Secretary of State
61	November 1	Form 499Q (Quarterly)	USAC
62	December	Form 497 – Lifeline Worksheet	USAC
63	December 30	Quarterly Form 507 Filing – Line counts by customer class	USAC via NECA On-line Data Collection Site
64	December 31	2013 Lifeline Recertification Complete	USAC, FCC, Relevant State Commission, Tribal Government (if applicable) Results must be reported in Form 555 and submitted by January 31, 2014.
65	December 31	Certification of ICLS true-up data via Form 509	NECA

* Reporting calendar does not include Universal Service Administrative Company (USAC) Payment Quality Assurance (PQA) Assessments that are scheduled randomly and require a response to USAC within 10 business days. The company was the subject of six PQA's in 2012.

Industry Filing Requirements

Form 477	Local Competition & Broadband Reporting
Form 479	RUS Annual Telecommunications Report
Form 492	Rate-of-Return Report (NECA files for pool participants)
Form 497	Lifeline & Link Up Worksheet
Form 499A	Telecommunications Reporting Worksheet - Annual
Form 499Q	Telecommunications Reporting Worksheet - Quarterly
Form 502	Numbering Resource Utilization/Forecast Report
Form 507	ICLS Line Counts
Form 508	ICLS Projection Data Certification
Form 509	ICLS True-up

	Completed By	Date
JANUARY		
1/10/2013 4th Quarter ARRA Reporting Due (BIP Project)	N/A	
1/20/2013 Form 497 Due to USAC	JS	12/17/2012
1/31/2013 Paystation Reports Due	JJ	1/16/2013
1/31/2013 4th Quarter BCAS Reporting Due (RUS)	JJ	2/1/2013
1/31/2013 Lifeline Certification Due to USAC	JJ	1/10/2013
1/31/2013 NECA Company Services Questionnaire	JJ	1/25/2013
2/1/2013 Form 502 Due to NANPA	RO	1/8/2013
2/1/2013 Form 499Q Due to FCC	JJ	1/31/2013
2/1/2013 OSHA Form 300 Report Due	JJ	2/1/2013
FEBRUARY		
2/1/2013 MN Sales Tax Annual Filing	JJ	2/1/2013
2/15/2013 Cost Forecast Annual Data Collection	CM	2/12/2013
2/11/2013 NTCA Compensation & Benefit Survey Due	JJ	2/11/2013
2/10/2013 Forecast Line Count Data Request (Annual)	JJ	2/8/2013
2/28/2013 Form 477 Due to FCC	RO	1/25/2013
2/28/2013 CPNI Certification Due to FCC	JJ	2/26/2013
2/28/2013 NECA Advanced Services Demand Request	JJ	1/28/2013
MARCH		
3/1/2013 Form 492 Due to FCC		

3/12/2013 Form 507 (Q3) Due (NECA Website) - ICLS Line Counts	N/A	
3/20/2013 Form 497 Due to USAC (Annual)	JS	
3/22/2013 NECA CAF/ICC Data Collection	JJ	3/20/2013
4/1/2013 Form 499A Due to USAC	JJ	3/27/2013
3/31/2013 Form 508 Due	JJ	3/22/2013
3/31/2013 SD PUC Tax Assessment Due	JJ	3/29/2013
3/31/2013 RUS Form 479 Due	JJ	4/2/2013
4/1/2013 Accessibility Recordkeeping Compliance Certification	RK	3/25/2013
4/1/2013 Advanced Services Certification	JJ	4/2/2013

APRIL

4/10/2013 1st Quarter ARRA Reporting Due (BIP Project)	N/A	
4/15/2013 SD Telecommunications Gross Receipts Tax Report Due	KH	4/15/2013
4/21/2013 Form 497 Due to USAC	JS	3/18/2013
4/30/2013 RTFC Officer Certificate of Compliance Due		
4/30/2013 Paystation Reports Due		
4/30/2013 1st Quarter RUS BCAS Report Due		

MAY

5/1/2013 Review Credit Card Compliance
5/1/2013 ND Telecommunications Gross Receipts Tax Report Due
5/1/2013 Section 254(g) Certification
5/1/2013 Form 499Q Due to USAC
5/30/2013 2010 Company Services Questionnaire (NECA)
5/31/2013 FCC Form 395 - Employment Report
5/31/2013 PUC Annual Telecommunications Report Due

JUNE

6/1/2013 SD & ND USF ETC Certification Filings Due
6/30/2013 ICLS Use Certification Due to FCC and USAC
7/1/2013 FCC Section 54.313 Filing Due to FCC, USAC, PUC & Tribal

JULY

7/14/2013 2nd Quarter ARRA Reporting Due (BIP Project)	N/A
7/16/2013 Form 507 (Annual) Due (NECA Website) - ICLS Line Counts	
7/21/2013 Form 497 Due to USAC	
7/31/2013 Annual High Cost Loop Data and Certification (USF) Due to NECA	
7/31/2013 Annual Interstate Cost Study Due to NECA	
7/31/2013 Paystation Reports Due	
7/31/2013 2nd Quarter BCAS Report Due (RUS)	

AUGUST

8/1/2013 Form 502 Due to NANPA
8/1/2013 Form 499Q Due to USAC
8/15/2013 NECA FCC Regulatory Fees Election
8/15/2013 LSS Certification
8/29/2013 Cable System Statement of Account Form (SA 1-2 or SA 3)
8/25/2013 FCC Regulatory Fees Due
8/31/2013 Annual Company Services Questionnaire - NECA

SEPTEMBER

9/1/2013 Form 477 Due to FCC
9/14/2013 Form 507 (Q1) Due (NECA Website) - ICLS Line Counts
9/29/2013 Cable Annual Employment Report (FCC Form 396-C)
9/30/2013 Form 492 Due to FCC

OCTOBER

10/1/2013 Universal Service Support "Use" Certification Due to USAC and FCC
10/10/2013 3rd Quarter ARRA Reporting Due (BIP Project) N/A
10/20/2013 Form 497 Due to USAC
10/31/2013 Form 499Q Due to USAC
10/31/2013 Paystation Reports Due
10/31/2013 3rd Quarter BCAS Report Due (RUS)

NOVEMBER

11/1/2013 Review Red Flag Rules
11/7/2013 DSL Data Request (Annual)

DECEMBER

12/14/2013 Form 507 (Q2) Due - ICLS Line Counts
12/31/2013 Form 509 Due (ICLS True-up)
12/31/2013 LSS True-up Forms and Certification Due
12/31/2013 Lifeline Certification due to USAC